



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the
Request for Opinion concerning
the conduct of LON L. ITSON,
Constable, Goodsprings Township
Clark County, State of Nevada.

Request for Opinion No.: 07-44C

EXECUTIVE DIRECTOR'S SUPPLEMENTAL REPORT AND RECOMMENDATION REGARDING JUST AND SUFFICIENT CAUSE

The following is the Executive Director's supplemental report and recommendation based on the additional information requested during the Panel Proceeding held on January 10, 2008 (TAB 1).

During the proceeding, the Panel members requested staff to issue a subpoena for specific documentation that would indicate when Itson:

- Received the funds he collected from the wage garnishment;
- Incorrectly disbursed the funds;
- Corrected the disbursement error and returned the funds to the account; and
- Disbursed the funds to the correct entity.

On January 14, 2008, Itson contacted the investigator by phone and stated that he had been out-of-town on vacation. Itson signed for and received the December 19 and 20, 2007 letters sent to him by certified mail on January 15, 2007.

On January 23, 2008, the *Subpoena Duces Tecum* was served upon Itson.

On January 25, 2008, Itson contacted the investigator by phone regarding the subpoena.

On February 6, 2008, a response to the subpoena was received through U. S. mail. In his response, Itson stated that he issued check no. 427 in the amount of \$1,400.20 in February 2005, but mistakenly sent the check to the wrong party. The check was returned to him, uncashed. Itson included copies of his February through August 2005 bank statements with his response. Itson further stated that the original file was subsequently misplaced, thereby causing the delay between receipt and final disbursement of the funds (TAB 2).

**Executive Director's Supplemental Report And Recommendation
Regarding Just And Sufficient Cause (continued)**

Conclusion and Recommendation:

The bank statements indicate that check no. 427 was never processed by his bank during the months of February through August 2005. However, no other documentation has been submitted that would verify that the funds were fully accounted for at all times.

The recommendation remains as stated in the previous *Executive Director's Report and Recommendation* dated January 8, 2008:

Due to Itson's failure to remit the funds in a timely manner, it is recommended that the Panel find that just and sufficient cause **DOES EXIST** for the Commission to hold a hearing and render an opinion in this matter relating to the provisions of NRS 281A.400.2, NRS 281A.400.4 and NRS 281A.400.7.

If the Commission finds that Itson has committed a willful violation of this chapter, and the Commission believes the violation may also constitute a criminal offense, it is recommended that the Commission refer the matter to the district attorney for a determination of whether a crime has been committed that warrants prosecution.

REPORT PREPARED BY:

Matt C. DiOrio DATED: 2/7/08
MATT C. DI ORIO
SENIOR INVESTIGATOR

APPROVAL AND RECOMMENDATION BY:

Patricia D. Cafferata DATED: February 7, 2008
PATRICIA D. CAFFERATA, ESQ.
EXECUTIVE DIRECTOR